

**FROM THE COMMITTEE ON  
MODEL CIVIL JURY INSTRUCTIONS**

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The Committee has amended the comment to the following model civil jury instruction effective July 20, 2017.

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**AMENDED**

**M Civ JI 113.09 Unfair, Unconscionable, or Deceptive Methods, Acts, or Practices—Burden of Proof**

Plaintiff has the burden of proving that:

- (a) Defendant engaged in trade or commerce;
- (b) Defendant committed one or more of the prohibited methods, acts, or practices alleged by plaintiff; and
- (c) Plaintiff suffered a loss as a result of defendant's violation of the act.

Your verdict will be for the plaintiff if the plaintiff has proved all of those elements. Your verdict will be for the defendant if the plaintiff has failed to prove any one of those elements.

*Comment*

When the particular statutory provision the plaintiff is proceeding under includes an element of fraud, the Court should include an instruction defining that element. *Brownlow v McCall Enterprises*, 315 Mich App 103 (2016).

*History*

M Civ JI 113.09 was added July 2012. Amended July 2017.

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The Michigan Supreme Court has delegated to the Committee on Model Civil Jury Instructions the authority to propose and adopt Model Civil Jury Instructions. MCR 2.512(D). In drafting Model Civil Jury Instructions, it is not the committee's function to create new law or anticipate rulings of the Michigan Supreme Court or Court of Appeals on substantive law. The committee's responsibility is to produce instructions that are supported by existing law.

The members of the Committee on Model Civil Jury Instructions are:

**Chair:** Hon. Mark T. Boonstra

**Reporter:** Timothy J. Raubinger

**Members:** Benjamin J. Aloia; Robert L. Avers; Hon. Jane M. Beckering; Mark R. Bendure; Hon. Kathleen A. Feeney; Gary N. Felty, Jr.; William B. Forrest, III; Donald J. Gasiorek; James F. Hewson; Hon. Michael L. Jaconette; Amy M. Johnston; C. Thomas Ludden; Daniel J. McCarthy; Daniel J. Schulte; Hon. Douglas B. Shapiro; Judith A. Susskind; Hon. Donald A. Teeple; Thomas Van Dusen; Hon. Michael D. Warren, Jr.; Thomas W. Waun.